REMARKS

In accordance with the foregoing, claims 1 and 29 are amended. Accordingly, claims 1-29 are pending and under consideration.

Rejection of Claims 1-29 Under 35 U.S.C. §103(a)

The Office Action rejects claims 1-29 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication 2002/0039508 to Tsusaka et al (hereinafter referred to as "Tsusaka") in view of U.S. Patent 5,580,041 issued to Nakayama. The rejection is respectfully traversed.

Tsusaka and Nakayama, taken separately or in combination, do not disclose, teach, or suggest at least, "when the first guide side is contacted by the paper coming out of the printing unit, each of the plurality of guide members rotate in a first direction and balance themselves with a force applied by the paper, and returns to an original position by rotating in a second direction opposite to the first direction after the paper completely passes through the printing unit," as recited in claim 1.

On page 2, the Final Office Action states, "Tsusaka fails to teach and/or suggest each of the plurality of guide members rotate and balance themselves with a force applied by the paper." Instead, the Office Action asserts that guide member 20 shown in Figures 3-5 of Nakayama and described in col. 4, lines 26-40 of Nakayama teaches this feature. This assertion is respectfully traversed.

In col. 3, lines 48-54, Nakayama discloses, "The guide member 20 is basically composed of a cylindrical body 21. The body 21 is rotatably mounted on a stationary member not illustrated outside of the side board 15, as a rotating shaft 22. The rotating shaft 22 is disposed horizontally, and in parallel with the direction of the discharge of the printed paper 24."

Applicants respectfully submit that the sheet receiving and stacking apparatus of Nakayama, which includes guide member 20, is for evenly stacking printed paper subjected to curling caused by liquid ink applied to the paper during printing. The design of the guide member 20 enables paper, which would have been curled due to the application of ink, to be evenly stacked instead of curled. However, the apparatus of Tsusaka is an electrophotographic image forming apparatus, which uses solid toners instead of ink. Therefore, the paper used by Tsusaka would not curl due to application of ink, because ink is not used by Tsusaka. Instead, Tsusaka uses solid toners. Therefore, there is no motivation to replace the guide members 61 of Tsusaka with the guide member 20 of Nakayama.

Further, the guide member 20 of Nakayama comprises the guide portions 23 to guide the paper. The Office Action appears to assert the guide member 20 including guide portions 23 of Nakayama correspond to the guide members of the present application. Claim 1 recites, "a plurality of guide members arranged widthwise of the paper." However, the guide portions 23 are radially arranged on the cylindrical outer peripheral surface of the body 21. Therefore, the guide member 61 of Tsusaka cannot be replaced with guide member 20 of Nakayama, and the guide members of the present application do not correspond to guide member 20 of Nakayama.

More specifically, Applicants respectfully submit that guide member 20 does not disclose, "each of the plurality of guide members rotate in a first direction and balance themselves with a force applied by the paper, and returns to an original position by rotating in a second direction opposite to the first direction after the paper completely passes through the printing unit," as recited in claim 1. Guide member 20 does not return to its original position. Moreover, if guide member 20 of Nakayama was substituted for guide 61 shown in Figures 1 and 2 of Tsusaka, guide member 20 would not return to its original position.

Paragraph [0053] of Tsusaka discloses,

> "As described above, the sheet guiding tray 60 is provided with the guide 61. The guide 61 is urged by a spring (not shown) in a direction such that the guide 61 protrudes over the sheet guiding tray 60, as shown in FIG. 1. As shown in FIG. 2, the guide 61 has a lever 61A to allow the guide 61 to rotate. When the lever 61A makes contact with a part of the rear tray 64, the lever 61A rotates and is situated inward form the surface of the sheet guiding tray 60, as shown in FIG. 2. Therefore, the discharged sheet 3 may be placed substantially flat on the rear tray 64 and the sheet guiding tray 60, without being blocked by the guide 61, as shown in FIG. 2."

If guide member 20 of Nakayama was substituted for guide 61 shown in Figures 1 and 2 of Tsusaka, guide member 20 would appear to protrude outwardly and may block sheets of paper in both sheet paths shown in Figures 1 and 2 of Tsusaka.

In addition, claim 1 recites, "the plurality of guide members rotate in a first direction and balance themselves with a force applied by the paper, and returns to an original position by rotating in a second direction opposite to the first direction after the paper completely passes through the printing unit." However, according to Figure 4 of Nakayama, the guide member 20 having the guide portions 23 rotates in only one direction to return to its original position. Therefore, Nakayama does not disclose, teach, or suggest "the plurality of guide members ...returns to an original position by rotating in a second direction opposite to the first direction after the paper completely passes through the printing unit," as recited in claim 1.

Accordingly, Tsusaka and Nakayama taken separately, do not disclose, teach, or suggest at least, "when the first guide side is contacted by the paper coming out of the printing

unit, each of the plurality of guide members rotate in a first direction and balance themselves with a force applied by the paper, and returns to an original position by rotating in a second direction opposite to the first direction after the paper completely passes through the printing unit," as recited in claim 1.

In addition, Tsusaka and Nakayama teach away from each other. For example if Tsusaka and Nakayama are combined, Nakayama's guide member 20 may block sheets in both Tsusaka's sheet paths. Nakayama's guide member 20 may render Tsusaka's image forming apparatus inoperable.

Moreover, In *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396, (U.S. Supreme Court 2007), the Supreme Court stated,

"Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the market place; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent issue. To facilitate review, this analysis should be made explicit. *See In re Kahn*, 441 F.3d 977,988 (CA Fed. 2006) ("[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness")."

Applicant respectfully submits that the Office Action does not articulate a reason for combining the references cited to reject the claims.

Therefore, for at least these reasons, claim 1 is patentably distinguishable from the cited references.

Claims 2-28 depend from claim 1 and include all of the features of claim 1. Therefore, for at least these reasons, claims 2-28 are also patentably distinguishable from the cited references.

Similarly, Tsusaka and Nakayama, taken separately or in combination, do not disclose teach or suggest at least, "a flexible guide member having a first guide side, the flexible guide member flexing in a first direction to guide the recording medium toward the exit path member and balance with itself with the force applied by the recording medium when the recording medium exits the printing unit and contacts the first guide side and returning to an original position by flexing in a second direction opposite to the first direction after the paper completely passes through the printing unit," as recited in claim 29. Therefore, for at least these reasons, claim 29 is patentably distinguishable from the cited references.

Accordingly, withdrawal of this rejection is respectfully requested.

Summary

Claims 1-29 are pending and under consideration. It is respectfully submitted that none of the references taken alone or in combination disclose the present claimed invention.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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